

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE JORGE GARCIA-FIGUEROA,

Defendant.

MEMORANDUM DECISION AND
ORDER DENYING WITHOUT
PREJUDICE DEFENDANT'S
MOTION FOR TIME REDUCTION
BY AN INMATE IN FEDERAL
CUSTODY

Case No. 2:10-CR-826 TS

This matter is before the Court on Defendant's Motion for Time Reduction by an Inmate in Federal Custody.

Defendant was sentenced by this Court to 51 months imprisonment on December 6, 2010. In his Motion, Defendant requests a sentence reduction based on his exclusion from various community-based and drug-treatment services due to his status as a deportable alien. Courts considering such claims have found that they challenge the execution of the sentence and should

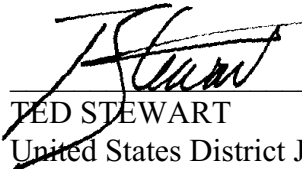
therefore be brought as a petition under 28 U.S.C. § 2241.¹ A petition under § 2241 must be brought in the district in which Defendant is incarcerated. Defendant is incarcerated in Texas. Since Defendant is not incarcerated in this district, the Court is without jurisdiction to consider this claim.

It is therefore

ORDERED that Defendant's Motion for Time Reduction by an Inmate in Federal Custody (Docket No. 122) is DENIED WITHOUT PREJUDICE to it being brought as a § 2241 petition in the district in which Defendant is incarcerated.

DATED October 25, 2012.

BY THE COURT:



TED STEWART
United States District Judge

¹See *United States v. Acevedo*, 7 F.App'x 850, 851 n.2 (10th Cir. 2001) (Defendant's "equal protection challenge to the differential treatment he receives as a deportable alien in the federal prison system is not properly brought under § 2255, but should have been filed under 28 U.S.C. § 2241, because it concerns the execution, rather than the imposition, of his sentence.").